

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SOUTHEAST FLOATING DOCKS, INC.,

Plaintiff,

v.

AGM MARINE CONTRACTORS, INC.,
CHILDS ENGINEERING CORPORATION
and THE TOWN OF PROVINCETOWN,

Defendant.

CIVIL ACTION

NO.:

05-11039 EFH

PLAINTIFF'S MOTION FOR SHORT ORDER OF NOTICE

Plaintiff, Southeast Floating Docks, Inc. ("Southeast"), moves for a short order of notice on its request for a hearing on the merits on its Complaint for Stay Arbitration Proceeding And Enforce Arbitration Subpoenas. As grounds for this Motion, Southeast states the following.

1. This action is brought by Southeast pursuant to the Federal Arbitration Act, 9 U.S.C. § 7 against Defendants, AGM Marine Contractors, Inc. ("AGM"), Childs Engineering Corporation ("Childs") and The Town of Provincetown ("Provincetown"). Southeast seeks to stay a pending arbitration proceeding ("Arbitration") between the parties and enforce subpoenas issued by Arbitrator Anthony Cipriani ("the Arbitrator"). The Arbitration will resolve the parties' respective rights and liabilities arising from the destruction after a winter storm of floating docks for use at the Provincetown marina project.

2. In connection with the Arbitration, AGM was served with a request for production of documents, but has failed to comply with it despite being ordered to do so by the Arbitrator. Childs and Provincetown were also properly served with the Arbitrator's subpoenas, but have failed to comply with the command of the Arbitrator to provide the records. The Arbitration is

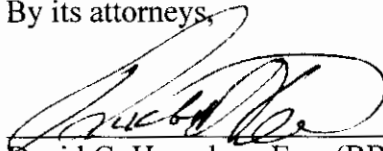
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Motion allowed
Edward F. Hennig, S.D.J.

presently scheduled to commence on June 20, 2005, and therefore, a stay is necessary to allow Southeast an opportunity to obtain the documents necessary to defend the claims made against it in the Arbitration.

3. Because the Arbitration is but a month away, in its Complaint, Southeast has requested that the Court issue a short order of notice scheduling a hearing on the merits within 14 days. Granting of a short order of notice will facilitate the speedy and orderly disposition of this action, and will enable the Defendants to receive proper and adequate notice of these proceedings.

WHEREFORE, Southeast respectfully requests that this Court issue a short order of notice to the Defendants for them to show cause why the arbitration should not be stayed and why Arbitrator Cipriani's subpoenas should not be complied with, and schedule a hearing on the merits on Southeast's Complaint within 14 days at which time Defendants' answers shall be filed. Alternatively, if a hearing cannot be scheduled within 14 days, Southeast moves that the Court issue a stay of the Arbitration pending a hearing and Defendants' compliance with the Arbitrator's subpoenas and orders.

SOUTHEAST FLOATING DOCKS, INC.,
By its attorneys,

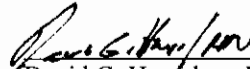


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Dated: May 18, 2005

Local Rule 7.1 Certification

The undersigned certifies that since this motion is filed simultaneously with the filing of the complaint and the defendants have not answered the complaint, it is impossible to attempt to confer regarding the issues raised by this motion.



David G. Hanfahan, Esq.